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NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE APPLICATIONS AND ORDERS FOR VARIOUS INVESTIGATIVE WARRANTS AND DEVICES RELATING TO INVESTIGATION OF SALVADOR PENALOZA DUARTE	CASE NO. CR 14-90448 MISC PSG CR 14-90475 MISC HRL CR 14-90479 MISC HRL CR 14-90582 MISC PSG CR 14-90596 MISC PSG CR 14-90597 MISC PSG CR 14-90680 MISC PSG CR 14-90677 MISC PSG CR 14-90783 MISC HRL CR 14-90958 MISC HRL CR 15-70676 MISC NC CR 15-70677 MAG UNITED STATES' MOTION TO UNSEAL VARIOUS DOCKETS AND DOCUMENTS AND [PROPOSED] ORDER

MOTION TO UNSEAL

The United States hereby moves this Court to unseal the following dockets and documents relating to applications for surveillance and search of Salvador Penaloza Duarte, recently indicted on drug possession charges under docket CR 15-00315 LHK. These applications were granted and sealed to aid the United States in its narcotics investigation of Mr. Penaloza Duarte, which concluded after his arrest on May 28, 2015. The relevant dockets and documents are as follows:

1. CR 14-90448 MISC PSG, an application, order, and warrants for a location monitoring device and related sealing order, all filed under seal on May 29, 2014, and return filed under seal on July 2, 2014;
2. CR 14-90475 MISC HRL, an application, order, and warrants for a location monitoring device and related sealing order, all filed under seal on June 10, 2014;
3. CR 14-90479 MISC HRL, an application and order for a pen register and trap and trace device, filed under seal on June 12, 2014;
4. CR 14-90582 MISC PSG, an application, order, and warrants for a location monitoring device and related sealing order, all filed under seal on July 23, 2014, and return filed under seal on September 12, 2014;
5. CR 14-90596 MISC PSG, an application, order, and warrants for a location monitoring device and related sealing order, all filed under seal on July 30, 2014;
6. CR 14-90597 MISC PSG, an application and order for a pole camera, filed under seal on July 30, 2014;
7. CR 14-90680 MISC PSG, an application, order, and warrant for physical location data and related sealing order, all filed under seal on September 5, 2014;
8. CR 14-90677 MISC PSG, an application, order, and warrants for a location monitoring device and related sealing order, all filed under seal on September 5, 2014, and return filed under seal October 22, 2014;
9. CR 14-90783 MISC HRL, an application, order, and warrants for a location monitoring device and related sealing order, all filed under seal on October 21, 2014, and return filed under seal on November 17, 2014;
10. CR 14-90958 MISC HRL, an application and affidavit for a pole camera and related sealing order, all filed under seal on December 31, 2014;
11. CR 15-70676 MISC NC, an application for a search and seizure warrant, the issued search and seizure warrant and related sealing order, filed under seal on May 26, 2015 and the signed return, filed May 29, 2015;

12. CR 15-70677 MAG, a criminal complaint and arrest warrant, filed under seal on May 26, 2015.

The United States represents that the government's criminal investigation of Mr. Penaloza Duarte's conduct, the purpose underlying the sealing requests in each of the above listed applications, is no longer ongoing now that Mr. Penaloza Duarte has been arrested and indicted. In order to proceed with discovery in Mr. Penaloza Duarte's criminal case and any future criminal forfeiture associated with his conviction, these applications, warrants, motions, orders, and other accompanying documents must be unsealed.

For these foregoing reasons, the United States requests that this Court unseal the documents listed above.

DATED: June 25, 2015

Respectfully submitted,

MELINDA HAAG
United States Attorney

MARISSA HARRIS
Assistant United States Attorney

ORDER

Good cause appearing, it is hereby ORDERED that the sealed documents specified in the dockets listed above, shall be unsealed.

DATED: 6/26/2015

NATHANAEL M. COUSINS
United States Magistrate Judge